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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JENS ERIK SORENSEN as Trustee of
12 SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

13 Plaintiff,

14 vs.

15 ENERGIZER HOLDINGS INC.,
16 EVEREADY BATTERY COMPANY, INC.
and DOES 1-100,

17 Defendant.

CASE NO. 07CV2321 BTM (CAB)

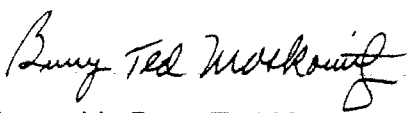
ORDER GRANTING DEFENDANT'S
MOTION TO STAY PENDING
REEXAMINATION PROCEEDINGS

18 For the reasons stated in the Court's order granting stay in Sorensen v. Black and
19 Decker, 06cv1572, Docket No. 243 and on the record at the February 25, 2008 status
20 conference in Sorensen v. Helen of Troy, 06cv2278, the Court GRANTS without prejudice
21 Defendant's motion for stay. The Court concludes that a reasonable stay is appropriate in
22 this case because the litigation is in its early stages, Plaintiff has not established undue
23 prejudice, and the reexamination will simplify issues for the Court and save expense for the
24 parties. See, e.g., Xerox Corp. v. 3Com Corp., 69 F. Supp. 2d 404, 406 (W.D.N.Y. 1999).
25 However, if it appears that the reexamination will not be effected within a reasonable time,
26 Plaintiff may move to vacate the stay. Additionally, any party may apply to the Court for an
27 exception to the stay if it has specific, valid reasons to believe that it needs to obtain
28 discovery in order to preserve evidence that will otherwise be unavailable after the stay.

1 Defendant is ordered to file a notice informing the Court of the PTO's decision on the pending
2 application for reexamination within 10 days of receipt of such decision.

3 IT IS SO ORDERED.

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5 DATED: March 19, 2008

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7 Honorable Barry Ted Moskowitz
8 United States District Judge
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